

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 11, 1928.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed.

The Minutes of the last meeting were read and Councilman Mueller moved the adoption of same as read. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

W. A. Hadden and J. B. Riley, representing the Austin Development Company, appeared before the Council and tendered to the City the bridge just completed by said Company across Shoal Creek at 24th Street. Councilman Mueller moved that the Council extend a vote of thanks to the Austin Development Company for this beautiful bridge erected across Shoal Creek, free of cost to the City. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The following report of the City Engineer was then submitted to the Council:

* Austin, Texas, October 11, 1928.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

I have made an inspection of the bridge constructed by J. F. Johnson for the Austin Development Company at 24th Street across Shoal Creek and find that same has been constructed in accordance with the plans approved by the City Council of Austin, Texas, for same. The construction appears to be good and Koch & Fowler, Engineers for the Austin Development Company, kept an inspector on the job throughout its construction and they have accepted the bridge as being in accordance with said plans.

I recommend that the Council formally approve the completed construction work/

Yours very truly,

(Sgd) Orin E. Metcalfe,
City Engineer."

The City Attorney was directed to draw a resolution in accordance with above report, and submit same to the Council at its next regular meeting.

The City Attorney was directed to draw resolution granting to O.O. Norwood the right to vacate a part of Edgecliff Terrace abutting his property in Travis Heights, and present same to the Council at its next regular meeting.

The Mayor laid before the Council the following resolution:

WHEREAS, Austin Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Austin Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A 4 inch gas main on East 33rd Street, beginning at the end of the present 4 inch main, the point being 105 feet east of the east line of Helms Street and 21 feet south of the north line of East 33rd Street.

Thence easterly along a line 21 feet distant from and parallel to the north line of East 33rd Street to the east line of Grooms Street, said gas main to have a cover of not less than 1 1/2 feet.

(2) A 4 inch gas main on West 19th Street, beginning at a point on the east line of the alley between Guadalupe and San Antonio Streets, said point being 14 1/2 feet south of the north line of W. 19th Street.

Thence easterly along a line 14 1/2 feet distant from and parallel to the north line of W. 19th Street to a point on the old regulator pit near the west line of Guadalupe Street.

(3) A 2 inch gas line on East Avenue, beginning at a point 50 feet west of and 210 feet south of the intersection of the east line of East Avenue and the south line of Spence Street.

Thence southerly along a line 50 feet distant from and parallel to the east line of East Avenue to the north line of Taylor Street, said gas main to have a cover of not less than 2 1/2 feet.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, Austin Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Austin Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

A 4 inch gas main on Park Place, between Harris Park Avenue and Beanna Street, beginning at the end of the present 4 inch main which is 180 feet east of the west line of Harris Park Avenue and 12 feet from the north line of Park Place.

Thence along a line at right angles to the north curb of Park Place to a point 10.5 feet north of the south line of Park Place or 22 feet south of the north curb.

Thence S. 87° E along a line 10.5 feet distant from and parallel to the south line of Park Place to a point of angle in said gas line, said point of angle being 50 feet past the northwest corner of Lot 10, Park Hill Addition.

Thence S 73° E along a line 10.5 feet distant from and parallel to the south line of Park Place to the west line of Beanna Street, said gas line to have a cover of not less than 1 1/2 feet.

That the gas company be, and the same is hereby required to lay and continuously construct its gas main for the entire length of this assignment.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, on February 20, 1928, H. Tracy paid to the Tax Collector \$16.00 as a deposit for taxes for 1926 on Lot 8, Block "C", Outlet 39, Division "O", City, and thereafter paid said taxes in full without taking credit for said deposit; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That on account of said reasons, the sum of \$16.00 be refunded to said H. Tracy and a warrant shall issue therefor.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$2,000.00 be and the same is hereby appropriated out of the General Fund and credited to the Street Improvement Bond Fund, such amount to be reimbursed to the General Fund from the proceeds of the sale of the Street Improvement Bonds to be made at a later date.

The above resolution was adopted by the following vote: Ays, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, there has been assessed and levied against about two and one-half acres, in Outlet 7, Division "D", Unplatted, in the City of Austin as the property of Mrs. Nellie H. Doom, city taxes for the years 1913 to 1927, both inclusive, which taxes, together with interest, penalties and court costs now amount to \$6929.57, and are delinquent and unpaid; and

WHEREAS, in 1921, the Legislature of the State of Texas passed an Act providing for the acquisition by the State of said property by purchase or condemnation, and thereafter, on August 9th, 1927, the State acquired title to said property; and

WHEREAS, in Cause No. 44182, the State of Texas has instituted suit against said Mrs. Nellie H. Doom in trespass to try title, and deposited in the registry of the court a sufficient sum of money to pay all taxes due against said property; and

WHEREAS, said Mrs. Nellie H. Doom has raised the question in said suit that said property was not subject to taxation after the passage of said legislative act, which question, whether of legal merit or not, would delay, by continued litigation, the collection of all lawful taxes against said property, unless some settlement is effected; and

WHEREAS, it is proposed to deduct one-half of the taxes for 1927 against said property and the penalties accrued for the above mentioned years, which amounts in the aggregate to the sum of \$449.88, and that thereupon the clerk of the court shall pay to the City of Austin out of said deposit the net sum of \$6479.69 in full satisfaction of said taxes against said property and said Mrs. Nellie H. Doom, and the City Attorney has recommended such settlement; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Attorney be and he is authorized to make settlement in said matter and said suit as above stated, and that he have judgment entered accordingly.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The application of Simms Oil Company to install gasoline pumps at the filling station of Heitt & Wolfson, 35th and Guadalupe Streets, was read and the matter was referred to the City Manager for attention and report to the Council.

Mayor McFadden laid before the Council the following:

"Austin, Texas, Oct. 8, 1925.

Hon. City Council of Austin, Texas,
Austin, Texas.

We hereby wish to ask for a permit for the erection of a combination gasoline filling station and tire service station at the southwest intersection of East Fifth Street and Red River Street, which is to be erected according to plans and specifications submitted to the City Engineering Department.

Hoping the above will meet with favor and thanking you for your consideration, we remain,

Very truly yours,

(Sgd) Chas Wolf and O. G. Wolf. "

"Hon. Mayor and City Council,

Gentlemen:

We, your committee on the application of Chas. & O. G. Wolf asking permission to install and operate a drive-in gasoline filling station at 5th and Red River Streets, make the following report:

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings, equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
2. That ceiling of that portion of the building that extends over driveway shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
3. That gasoline storage tanks and pumps, and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.
4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.
5. That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.
6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.
7. That there shall be kept in an accessible place at all times, a chemical fire extinguisher for emergency use.
8. That provision shall be made to take care of waste oils and water by having the proper connections with storm or sanitary sewer. Connections to be made under the supervision of the City Engineering Department.

9. That a plan of the filling station, showing the proposed location of pumps, driveways and methods of draining away waste water and oils, filed with and approved by the City Engineer, marked "Exhibit 2-A-130" hereto attached, shall control the construction of the station.

10. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.

11. That standard concrete curb, driveways, curb returns and gutter shall be constructed before operation as a filling station, in accordance with the plan which is hereby submitted by the applicant and approved by the City Council.

12. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said Chas. and O. G. Wolf, have failed and refused, and will continue to fail and refuse to perform any such condition, regulations and ordinances.

Yours truly,

(Sgd)

J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer

CITY SAFETY COMMITTEE. "

Councilman Mueller moved that permit be granted to said Chas. & O. G. Wolf, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following:

" Austin, Texas, October 6, 1928.

Honorable Mayor and City Council,

Gentlemen:

Kindly grant me permission to remove two old type gasoline pumps and install two new type gasoline pumps at our service station #13, located at the corner of West Avenue and West 6th.

The equipment to be installed in this station will bear underwriters laboratories label and instructions regarding installation of pipes, etc. will be complied with.

Yours very truly,

Humble Oil & Refining Co.,

By(Sgd) Marvin Charlton, Agent."

"Hon. Mayor and City Council,

Gentlemen:

We, your committee on the application of Humble Oil Company, asking permission to install and operate a drive-in gasoline filling station at N.W. corner 6th and West Avenue, make the following report.

We, the committee, recommend that this permission be granted subject to the following conditions:

1. That all buildings and equipment shall be placed inside the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.

2. That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.

3. That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.

4. That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any manner obstruct the sidewalk, street or alleyway. The pumps shall be at least ten feet inside the property line.

5. That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department

6. That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

7. That there shall be kept in an accessible place at all times, a chemical fire extinguisher for emergency use.

8. That provision shall be made to take care of waste oils and water by having the proper connections with storm or sanitary sewer. Connections to be made under the supervision of the City Engineering Department.

9a. That a plan of the filling station, showing the proposed location of pumps, driveways and methods of draining away waste water and oils shall be filed with and approved by the City Engineer before the commencement of construction.

9b. That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector.

10. That permission shall be granted subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Humble Oil Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Sgd) J. E. Woody, Fire Chief;
R. F. Rockwood, Fire Marshal;
Orin E. Metcalfe, City Engineer.

CITY SAFETY COMMITTEE. "

Councilman Pannell moved that permit be granted to said Humble Oil Company, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

City Manager Johnson presented to the Council communication from J. W. Hawkins, asking that the City pay for damages to his car, amounting to \$11.45, caused by driving into a chain stretched across the gateway at Barton Springs. Councilman Pannell moved that the City Manager be instructed to advise the said J. W. Hawkins that the Council did not consider the City liable, and therefore rejected his claim for damages. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council for its second reading the following ordinance:

AN ORDINANCE AMENDING RULE 19, UNDER SECTION 14, OF AN ORDINANCE ENTITLED: "AN ORDINANCE CREATING THE OFFICE OF CITY GAS INSPECTOR, AND DEFINING THE DUTIES OF SUCH OFFICE; CREATING A BOARD FOR THE EXAMINATION OF GAS-FITTERS, AND PROVIDING FOR THE EXAMINATION AND LICENSE OF GAS-FITTERS; PROVIDING FOR THE INSPECTION OF GAS AND GAS METERS; PRESCRIBING RULES AND REGULATIONS FOR THE QUALITY, PRESSURE AND MEASURE OF GAS SUPPLIED TO CONSUMERS, AND FOR THE ENFORCEMENT THEREOF; PROVIDING RULES AND REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF GAS PIPING AND FIXTURES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE."

The ordinance was read the second time and laid over.

Councilman Pannell asked to be excused from the Council meeting and the request was granted.

Councilman Mueller moved that a page of the Minutes of the City Council of this date be set apart for the recording of the following resolutions on the death of Chief of Police, J. N. Littlepage. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, and Steck, 3; nays, none, Councilmen Pannell and Reed absent.

R E S O L U T I O N .

James N. Littlepage, Chief of Police of the City of Austin, lost his life at the hands of an assassin, on October 9th, 1928. He died as he had lived, in the faithful and courageous performance of duty. He brought to the responsible office that he held for the years preceding his untimely passing, the virtues that become those who are incapable of betraying a public trust. By his rugged honesty and the considerate conduct of his office, he had earned, as he merited to do, the respect and admiration of those whom he served. The city government has suffered the loss of an incorruptible and able officer, and the community will mourn him as an upright Christian gentleman.

BE IT RESOLVED, That the City Council offer the above expressions in commemoration of our lamented Chief of Police; and that a copy of these proceedings be forwarded to his family, with whom we deeply sympathize, and to whom we tender our condolence.

R E S O L U T I O N .

WHEREAS, on yesterday, at the hands of an assassin, the useful life of our beloved Chief, J. N. Littlepage, who was always on duty, was snuffed out;

Therefore,

BE IT RESOLVED By the Department of Justice of the Administration of the City of Austin:

That in the death of Chief Littlepage this department has sustained an irreparable loss; each of us a true friend; the community a manly man and useful citizen; his family a tender, devoted, loving father and husband, in whose death the entire community mourns; and

RESOLVED FURTHER:

That we tender to his bereaved family our heartfelt sympathy in this, their sad hour of bereavement; and

RESOLVED FURTHER:

That a copy of these resolutions be given to the press of the city and a copy be sent to his beloved and bereaved wife and children.

Adopted: October 10th, 1928.

Mayor McFadden moved that the Council recess until 9:00 A. M., Friday, October 12th, 1928, for the purpose of passing the ordinance calling an election to submit to the voters of the City certain amendments to the existing charter of the City of Austin. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, and Steck, 3; nays, none, Councilmen Pannell and Reed absent.

The Council then recessed.

Approved: J. M. McFadden
Mayor.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, October 12, 1928.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Pannell, and Steck, 3; absent, Councilmen Mueller and Reed.

Mayor McFadden laid before the Council the following ordinance:

AN ORDINANCE ORDERING AN ELECTION IN THE CITY OF AUSTIN, TEXAS, TO BE HELD ON NOVEMBER 24th, 1928, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY PROPOSITIONS TO ADOPT CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF AUSTIN.

The ordinance was read the first time and Councilman Pannell moved that the rule be suspended and the ordinance placed on its second reading. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell, and Steck, 3; nays, none, Councilmen Mueller and Reed absent.

The ordinance was read the second time and Councilman Pannell moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell and Steck, 3; nays, none, Councilmen Mueller and Reed absent.

The ordinance was read the third time and Councilman Pannell moved that same be finally passed. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Pannell and Steck, 3; nays, none, Councilmen Mueller and Reed absent.

City Manager Johnson submitted to the Council the following application of Sizms Oil Company, which had been referred to him at a previous meeting for investigation and report: